

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

May 23, 1991

ALL COUNTY LETTER NO. 91-44



TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY PROBATION OFFICES

SUBJECT: REDETERMINATION OF DEPRIVATION - FEDERAL AID TO
FAMILIES WITH DEPENDENT CHILDREN-FOSTER CARE PROGRAM

REFERENCE: ELIGIBILITY AND ASSISTANCE STANDARDS (EAS) 45-202.12
AND ALL COUNTY LETTER (ACL) NO. 90-04

The purpose of this letter is to clarify issues regarding the redetermination of deprivation for Federal Aid To Families With Dependent Children-Foster Care (AFDC-FC) cases. Since the January 1, 1990 effective date of these regulations and the subsequent training program provided by the Department, we have had a number of County Welfare Departments (CWD) inquire and request further assistance with this determination.

Numerous inquiries have been made regarding the "good faith effort" and how it is used to document deprivation. This concept was developed to assist CWDs in certain situations where the parent(s) is not cooperating or the whereabouts of the parent(s) is unknown and the CWD does not have any information to suggest that the deprivation factor established at the most recent determination has changed.

For example, deprivation has previously been established based on an absent parent. At a six month redetermination of eligibility the parent who had previously cooperated with the CWD is no longer cooperating. The CWD does not have any information that suggests absent parent deprivation no longer exists but is unable to document that the absent parent is still absent. By documenting the steps taken to obtain the information in the eligibility file, continued deprivation can be established based on absence.

Examples of adequate documentation to support the "good faith effort" include: (1) a statement from the placement worker that the parent is no longer cooperating with the CWD and information regarding the absent parent is unknown, (2) the parent failed to keep a confirmed appointment, (3) at least two letters were sent to the last known address of the parent and no response has been received.

It is important for the CWD to clearly document the steps taken to establish the "good faith effort" and use it only when documenting the continuation of a deprivation factor that has already been established.

When the CWD receives information that the previously established deprivation factor no longer exists, it must act on that information.

For example, deprivation has been based upon an absent parent. The CWD receives information that the parents have reunited, and attempts to contact the parents to determine if there is continued deprivation based on either unemployment or incapacity. The parents do not respond to written correspondence or phone calls requesting the information to establish one of the deprivation factors.

Even though the CWD made attempts to contact the parents in order to establish a new deprivation factor, without information to support either the unemployment of the principal earner or incapacity of at least one of the parents, continued deprivation of parental support or care cannot be established. The "good faith effort" does not apply in circumstances where the deprivation factor has not been previously established.

To further assist the CWDs with the redetermination of deprivation issue, questions which have been received by the Foster Care Program Bureau are being reprinted here with the appropriate responses.

QUESTION #1: How do we determine mental incapacity?

ANSWER: Mental incapacity is determined in accordance with EAS 41-430. The requirements of this regulatory section shall be applied in order to determine and document deprivation of parental support or care based on incapacity of either parent. Form CA 341 (Medical Report) is the commonly used document to establish this deprivation factor.

QUESTION #2: If more than one deprivation factor exists must all of them be documented?

ANSWER: No. Only one deprivation factor must be documented.

QUESTION #3: Does eligibility to the State AFDC-U parent program support deprivation based on an unemployed parent for AFDC-FC deprivation purposes?

ANSWER: No. Deprivation must be established using the Federal criteria pursuant to EAS 41-440. The State AFDC-U program serves those families that cannot meet the Federal requirements for AFDC-U eligibility.

QUESTION #4: The CWD receives information that on March 6, 1990 the child's parents are now residing together and are both unemployed. The child's established deprivation factor for Federal AFDC-FC purposes has been an absent parent. What steps must the CWD take to establish the unemployed parent deprivation?

ANSWER: The principal earner (PE) must be identified as defined in EAS 41-440.1 (c). Once that has been accomplished, the PE's connection to the labor force as described in EAS 41-440.4 shall be made. If the PE can be connected to the labor force, unemployed parent deprivation may be established. If the PE cannot be identified or the appropriate connection to the labor force made, unemployed parent deprivation cannot be established.

QUESTION #5: Using the circumstance in Question #4, what is the "quarter of application" for purposes of the connection to the labor force requirement?

ANSWER: March 1990 is considered the month of application for determining U-parent deprivation. Therefore, January - March 1990 is considered the quarter of application.

QUESTION #6: A child is removed from a single adoptive parent. Can an absent parent determination be made even though the child has only one adoptive parent?

ANSWER: Yes.

QUESTION #7: When documenting a "good faith effort" can a combination of efforts attempted on the part of the CWD to contact the parent(s) suffice as documentation?

ANSWER: Yes.

QUESTION #8: Who is responsible for gathering the information for redetermination of deprivation purposes, the Social Service Worker/Probation Officer or the Eligibility Worker/Technician?

ANSWER: This is a County decision. The Department will only review to ensure that the income maintenance file has either the documentation that supports the deprivation factor chosen or indicates where the information is available.

QUESTION #9: County contact with the parent(s) is infrequent or non-existent. How can continued deprivation be established?

ANSWER: If the CWD does not have any information which disputes the existing deprivation determination and has applied the "good faith effort" process, continued deprivation has been established.

QUESTION #10: Is the redetermination of deprivation process in EAS 45-202.12 required on State AFDC-FC cases?

ANSWER: No. However, Counties are encouraged to review the individual cases that lost Federal Financial Participation (FFP) and were transferred to State AFDC-FC or AFDC-FG/U for renewed deprivation status for possible return to Federal AFDC-FC.

QUESTION #11: A child was part of a Federal AFDC-U parent case in the month of petition. Is it necessary for the CWD to redetermine the PE's connection to the labor force at subsequent reinvestigations for AFDC-FC purposes?

ANSWER: No. If the PE from the AFDC-U cases remains unemployed, continued deprivation for Federal AFDC-FC based on unemployed parent can be supported.

If you have any further questions regarding this issue, please contact your County consultant in the Foster Care Program Bureau, at (916) 445-0813.



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